

## Environmental Protection Agency

## § 52.790

112(b) and 113 of the Clean Air Act and shall be enforceable by the United States Environmental Protection Agency (USEPA) and any person in the same manner as other requirements of the SIP. USEPA reserves the right to deem an operating permit not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the permit, permit approval procedures or permit requirements which do not conform with the operating permit program requirements or the requirements of USEPA's underlying regulations.

[60 FR 43012, Aug. 18, 1995]

### **§ 52.789 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?**

(a)(1) The owner and operator of each source and each unit located in the State of Indiana and for which requirements are set forth under the TR NO<sub>x</sub> Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Indiana's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(a), except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if, at the time of the approval of Indiana's SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NO<sub>x</sub> Annual allowances under subpart AAAAA of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO<sub>x</sub> Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

(b)(1) The owner and operator of each source and each unit located in the State of Indiana and for which require-

ments are set forth under the TR NO<sub>x</sub> Ozone Season Trading Program in subpart BBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Indiana's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(b), except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, if, at the time of the approval of Indiana's SIP revision described in paragraph (b)(1) of this section, the Administrator has already started recording any allocations of TR NO<sub>x</sub> Ozone Season allowances under subpart BBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO<sub>x</sub> Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48364, Aug. 8, 2011]

### **§ 52.790 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?**

(a) The owner and operator of each source and each unit located in the State of Indiana and for which requirements are set forth under the TR SO<sub>2</sub> Group 1 Trading Program in subpart CCCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Indiana's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39 except to the extent the Administrator's approval is partial or conditional.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Indiana's SIP

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revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO<sub>2</sub> Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO<sub>2</sub> Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State’s SIP revision.

[76 FR 48364, Aug. 8, 2011]

**§ 52.791 Visibility protection.**

(a) *Regional Haze.* The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Indiana on January 14, 2011, and supplemented on March 10, 2011, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO<sub>x</sub> and SO<sub>2</sub> from electric generating units. EPA has given limited approval and limited disapproval to the plan provisions addressing these requirements.

(b) *Measures Addressing Limited Disapproval Associated with NO<sub>x</sub>.* The deficiencies associated with NO<sub>x</sub> identified in EPA’s limited disapproval of the regional haze plan submitted by Indiana on January 14, 2011, and supplemented on March 10, 2011, are satisfied by § 52.789.

(c) *Measures Addressing Limited Disapproval Associated with SO<sub>2</sub>.* The deficiencies associated with SO<sub>2</sub> identified in EPA’s limited disapproval of the regional haze plan submitted by Indiana on January 14, 2011 and supplemented on March 10, 2011 are satisfied by § 52.790.

EFFECTIVE DATE NOTE: At 77 FR 33657, June 7, 2012, § 52.791 was added, effective August 6, 2012.

**§ 52.792 [Reserved]**

**§ 52.793 Significant deterioration of air quality.**

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for pre-

venting the significant deterioration of air quality.

(b) *Regulations for preventing significant deterioration of air quality.* The provisions of § 52.21(a)(2) and (b) through (bb) are hereby incorporated and made a part of the applicable state plan for the State of Indiana.

(c) All applications and other information required pursuant to § 52.21 of this part from sources located in the State of Indiana shall be submitted to the state agency, Indiana Department of Environmental Management, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana 46204, rather than to EPA’s Region 5 office.

[45 FR 52741, Aug. 7, 1980, as amended at 53 FR 18985, May 26, 1988; 68 FR 11323, Mar. 10, 2003; 75 FR 55275, Sept. 10, 2010]

**§ 52.794 Source surveillance.**

(a) The requirements of 51.212 of this chapter are not met by the phrase “for more than a cumulative total of 15 minutes in a 24-hour period” contained in section 1 of APC-3 of the Indiana Air Pollution Control Regulations.

(b) [Reserved]

(c) 325 IAC 5-1 (October 6, 1980, submittal—§ 52.770(c)(53)) is disapproved for the Lake County sources specifically listed in Table 2 of 325 IAC 6-1-10.2 (§ 52.770(c)(57)); for pushing and quenching sources throughout the State (August 27, 1981, 325 IAC 11-3-2 (g) and (h)—§ 52.770(c)(42)); and for coke oven doors in Lake and Marion Counties (325 IAC 11-3-2(f)—§ 52.770(c)(42)). Applicability of this regulation to these sources is being disapproved because 325 IAC 5-1 does not meet the enforceability requirements of § 51.22 as it applies to these sources. Opacity limits in 325 IAC 6-1-10.2 and certain opacity limits in 325 IAC 11-3 supersede those in 325 IAC 5-1, and USEPA has previously disapproved these superseding regulations (§ 52.776 (j), (g), and (f), respectively).

[40 FR 50033, Oct. 28, 1975; 41 FR 3475, Jan. 23, 1976, as amended at 48 FR 55860, Dec. 16, 1983; 51 FR 40676, 40677, Nov. 7, 1986; 52 FR 3644, Feb. 5, 1987; 52 FR 23038, June 17, 1987]

**§ 52.795 Control strategy: Sulfur dioxide.**

(a) Revised APC-13 (December 5, 1974 submission) of Indiana’s Air Pollution